

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF MORTON

SOUTH CENTRAL JUDICIAL DISTRICT

The State of North Dakota,

Plaintiff,

vs.

MICHAEL FASIG,  
BRENNON NASTACIO,  
ISRAEL L. HERNANDEZ,

Defendants.

) Cr. No. 30-2016-CR-

) Cr. No. 30-2016-CR - 1875

) Cr. No. 30-2016-CR

) **CRIMINAL COMPLAINT**

The undersigned complainant, being first duly sworn, charges that:

**COUNT I:** On or about the 27<sup>th</sup> day of October, 2016, in Morton County, North Dakota, the above-named Defendant, **BRENNON NASTACIO**, committed the offense of **TERRORIZING** in violation of **Section 12.1-17-04** of the North Dakota Century Code by then and there: With intent to place another human being in fear for that human being's or another's safety, the defendant threatens to commit any crime of violence or act dangerous to human life; to-wit: At said time and place, the defendant threatened to harm another by walking toward him with a knife causing him to fear for his safety.

**Penalty Section: 12.1-17-04 N.D.C.C.**  
**Class C Felony**

**COUNT II:** On or about the 27<sup>th</sup> day of October, 2016, in Morton County, North Dakota, the above-named Defendants, **MICHAEL FASIG and ISRAEL L. HERNANDEZ**, committed the offense of **RECKLESS ENDANGERMENT** in violation of **Section 12.1-17-03** of the North Dakota Century Code by then and there: Creates a substantial risk of serious bodily injury or death to another under circumstances manifesting an extreme indifference to the value of human life; to-wit: At said time and place the above-named defendants rammed a truck driven by another, creating a substantial risk of serious bodily injury.

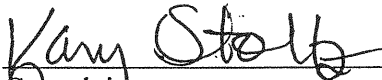
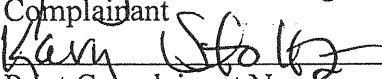
**Penalty Section: 12.1-17-03 N.D.C.C.**  
**Class C Felony**

**COUNT III:** On or about the 27<sup>th</sup> day of October, 2016, in Morton County, North Dakota, the above-named Defendants, **MICHAEL FASIG and ISRAEL L. HERNANDEZ**, committed the offense of **CRIMINAL MISCHIEF** in violation of **Section 12.1-21-05** of the North Dakota Century Code by then and there: Willfully damaging tangible property of another; to-wit: At said time and place the above-named Defendants intentionally hit a pickup truck belonging to another causing damages in excess of two thousand dollars.


**Penalty Section: 12.1-21-05 N.D.C.C.**  
**Class C Felony**

All of this contrary to the statute in such cases made and provided and against the peace and dignity of the State of North Dakota.

WHEREFORE, Complainant prays that Defendant may be arrested and dealt with according to law.

  
Complainant  
  
Print Complainant Name

Subscribed and sworn to before me this 23<sup>rd</sup> day of November 2016

  
District Judge

Complaint Approved:

/s/ Gabrielle J. Goter  
Gabrielle Goter, State ID #06595  
Assistant State's Attorney  
Morton County, North Dakota

**WARRANT ISSUED**



warriors, and their war ponies. Injured while stopping an armed DAPL worker's vehicle. The maroon Cadillac does have damage to the left front side of the vehicle.

On October 28, 2016, Mike Fasig has a post on his Facebook page of a silver colored pickup. There is damage to the left front side of the pickup which would be consistent with where the silver pickup would have damage from striking Thompson's vehicle. There are white markings on the pickup which is consistent to the markings on the pickup that struck Thompson's. Mike Fasig has a post with the picture that reads "my war pony took a injury yesterday."

Mike Fasig has another post on October 27, 2016 that reads "Dapl mercenary being arrested after he made a high speed attempt to reach the main camp with a AR-15, my truck suffered some damage, I chased him and was forced to ram him."

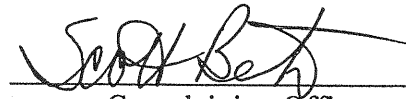
There was a video posted on Facebook on October 29, 2016. Mike Fasig talks about having a "good day" the other day because he got to "ram" into a DAPL security guard's truck. Mike Fasig speaks about "shooving his ass right off the road and all the way down the ditch." Mike Fasig says "that was exciting." Mike Fasig said that he got a "call" on the radio about a white pickup truck with an individual who is armed traveling at a high rate of speed and don't let him get to the camp. Mike Fasig says he saw the white pickup truck "flying" down the road. Mike Fasig said that people were on the road so the white pickup traveled to the ditch at "60mph." Mike Fasig said that people were running and jumping out of the way. The portion of the video that I observed showed individuals attempting to stand in front of Thompson's vehicle to get him to stop. Mike Fasig said that was a "young" male that was driving a Cadillac that was from New York. Mike Fasig said this male began driving after Thompson's vehicle. Mike Fasig believed this male "nailed" Thompson's DAPL vehicle twice.

The individual wearing the fur hat was identified as Brennon Nastacio.

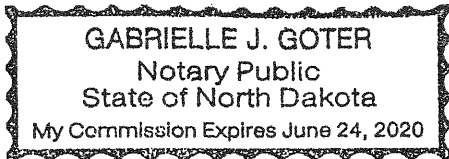
On November 22, 2016, I responded to Fort Yates, ND to inspect a vehicle that was impounded for a Bureau of Indian Affairs (BIA) investigation. This vehicle was a maroon Cadillac with New York license plates GJB 1094. This vehicle belonged to Israel Hernandez, according to an investigation conducted by BIA on November 17, 2016. I inspected the damage and I observed white transfer paint on the damaged portion of the vehicle on the front left side. Thompson's work vehicle was white in color. Written in the dust on the hood of the vehicle were the letters "DAPL." These letters were circled with a line drew threw them. From my experience, DAPL stands for Dakota Access Pipeline. On the driver's side, passenger door was more damage. On this damage was white transfer paint.


During BIA's investigation on November 17, 2016, Hernandez made statements to Officer Nimsey (BIA) that Derrick Fasig and Hernandez ran an armed individual off of the roadway while driving the maroon Cadillac. Officer Nimsey said that Derrick Fasig is Mike Fasig's kid.

Dated this 23rd day of November, 2016.

  
Complaining Officer

Subscribed and Sworn before me on the 23<sup>rd</sup> day of November, 2016.



  
Notary Public